

Application Serial No. 09/903,166

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Date February 7, 2005

Reply to Office Action dated October 6, 2004

REMARKS

In the Office Action dated October 6, 2004, the response time to which has been extended by one month until February 7, 2005, by the concurrent filing of a Request for One-Month Extension of Time and Fee, claims 1-13 are rejected under the doctrine of double patenting. Claim 14 is rejected under 35 U.S.C. §112, second paragraph. Claims 1-4 and 12 are rejected under 35 U.S.C. §102(b). Claim 11 is rejected under 35 U.S.C. §103(a). Claims 7-10, 13, and 14 are objected to, but indicated as being allowable if amended to independent form.

Accordingly, by this Communication, claims 7, 13, and 14 have been amended to include all the features of original claim 1, from which each claim depended. Claim 1 has been amended to include all of the features of original claims 5 and 6. Claims 5 and 6 are then canceled. New claims 15 and 16 have been added to define features of Applicant's invention described in the specification, but not previously claimed in the same form.

For the reasons set forth herein, it is respectfully submitted that Applicant's invention as set forth in claims 1-4, 11, and 12 includes features which are not suggested or rendered obvious by the cited references, taken singly or in any permissible combination. Reconsideration is, therefore, respectfully requested.

Claims 1-13 are rejected under the judicially created doctrine of double patenting over certain claims of US Patent No. 6,256,303. Accordingly, Applicant submits a terminal disclaimer to overcome this rejection.

Claim 14 is rejected under 35 U.S.C. §112, second paragraph. Accordingly, claim 14 has been amended to particularly point out and distinctly claim all of the features of Applicant's invention set forth therein.

Claims 1-4 and 12 are rejected under 35 U.S.C. §102(b) as being anticipated by Borchardt.

Applicant's invention as set forth in claim 1 has been amended to include all the features of original claims 5 and 6 which pertain to the downconverting of the high frequency carrier signal to a second lower frequency carrier signal in two frequency conversion steps. In rejecting claim 6 which defined this feature, the

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column 14, line 40 of Borchardt. However, a careful review of this portion of Borchardt clearly defines the downconverting in Borchardt as being from the 900MHz frequency band directly to the FM broadcast band extending of approximately 88MHz to 108MHz.

In Applicant's invention, the high frequency carrier signal and the modulated audio signal are downconverted to the lower frequency carrier signal in two frequency conversion steps. As described by way of example in the Applicant's specification, the high frequency modulated signal in the 900MHz band is downconverted to a first lower carrier frequency of 10.7MHz and still contains the stereo frequency modulation from the signal source or base unit. This carrier signal frequency is mixed upward toward the low end of the FM broadcast band.

Applicant's invention, provides greater frequency conversion control with less noise than Borchardt, while at the same time eliminating the need for expensive modulation and demodulation circuitry as required in other prior art references to demodulate the stereo signal from the 900MHz carrier to the FM carrier frequency band.

Since Borchardt lacks any teaching or appreciation of converting the high frequency carrier signal to a lower frequency carrier signal in two frequency conversion steps as set forth by the Applicant in claim 1, it is respectfully submitted that Applicant's invention as set forth in claim 1, as well as claim 2-4, 11 and 12 which depend therefrom, patentably defines over Borchardt and is not anticipated thereby.

New claims 15 and 16 more specifically define the two frequency conversion steps. Since Borchardt lacks any teaching of this feature, it is respectfully submitted that Applicant's invention as set forth in claims 15 and 16 likewise patentably defines over the cited references.

Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable or Borchardt in view of Griffin. The Examiner cites Griffin for a wireless streaming audio transmission system and concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to use Griffin's computer

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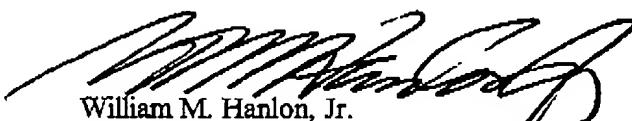
the Examiner only for a teaching of a computer generated audio signal stream and not any conversion of a high frequency carrier signal to a low frequency carrier signal in two frequency conversion steps as set forth by the Applicant in claim 1, from which claim 11 depends. Thus, for the same reasons set forth above with respect to the patentability of Applicant's invention as set forth over Borchardt, it is respectfully submitted that Applicant's invention as set forth in claim 11 likewise patentably defines over any permissible combination of Borchardt and Griffin.

Claims 7-10, 13, and 14 have been amended to independent form including all the features of original claim 1. Thus, it is submitted that claim 7, claims 8-10 which depend from claim 7, claims 13 and 14 are in condition for allowance.

In summary, for the reasons set forth above, it is respectfully submitted that Applicant's invention as set forth in claims 1-4, 11, 12, and new claims 15 and 16 includes features which are not anticipated or rendered obvious by the cited references, taken singly or in any permissible combination. Thus, it is submitted that claims 1-4, and 7-16 are in condition for allowance; a notice of which is respectfully requested.

Respectfully submitted,

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